

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In re:

Chapter 11

MICHAEL A. GRAL, et al.

Case No. 16-21329-GMH

Jointly Administered

Debtor.

MICHAEL A. GRAL,

Plaintiff,

Adv. No. 18-02119

v.

PARK BANK,

Defendant.

**PARK BANK’S RESERVATION OF RIGHTS CONCERNING MOTION FOR
PRELIMINARY INJUNCTION**

Park Bank, by its attorneys, Joseph E. Fenzel, S.C. and Reinhart Boerner Van Deuren s.c., hereby submits this Reservation of Rights (the "Reservation") concerning the Motion for Preliminary Injunction (the “Injunction Motion”) [Adv. Docket No. 9] filed by Michael A. Gral (the “Debtor”) in the above-referenced adversary case on May 30, 2018.

Drafted by:

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BACKGROUND

On May 24, 2018 and May 25, 2018, the Debtor filed an earlier version of the Injunction Motion with the second page of the document missing (the “Incomplete Injunction Motion”) [Adv. Docket No. 1-1 and Adv. Docket No. 3]. On May 25, 2018, the Debtor filed a Notice of Plaintiff/Debtor’s Motion for Preliminary Injunction (the “May 25 Notice”) [Adv. Docket No. 5] purporting to set an objection deadline of June 4, 2018 for Park Bank to respond to the Incomplete Injunction Motion.

On May 29, 2018, this Court entered a docket notation admonishing the Debtor for setting an objection deadline in the May 25 Notice that failed to provide 14 days’ notice as required by Local Rule 9014, and advising the Debtor that the Court would take no further action on the Incomplete Injunction Motion until the Debtor provided proper notice of the Incomplete Injunction Motion. In response, the Debtor withdrew the May 25 Notice.

On May 29, 2018, the Debtor filed an Amended Notice of Plaintiff/Debtor’s Motion for Preliminary Injunction (the “May 29 Notice”) [Adv. Docket No. 7], setting an objection deadline of June 12, 2018 for Park Bank to respond to the Incomplete Injunction Motion.

On May 30, 2018, the Debtor withdrew the Incomplete Injunction Motion because the document was incomplete [Adv. Docket No. 8]. Also on May 30, 2018, the Debtor filed the complete version of the Injunction Motion, with the formerly-missing page included [Adv. Docket No. 9].

On May 30, 2018, the Debtor withdrew the May 29 Notice, because of “incorrect date.” The Debtor then filed *yet another* Notice of Plaintiff/Debtor’s Motion for Preliminary Injunction (the “May 30 Notice”) [Adv. Docket No. 10], purporting to set an objection deadline of June 4, 2018 for Park Bank to respond to the complete version of the Injunction

Motion filed on May 30, 2018. The same day, the Debtor filed his Motion to Shorten Negative Notice Time to That Notice Given (the “Motion to Shorten”) [Adv. Docket No. 11], along with Notice of the Motion to Shorten [Adv. Docket No. 12].

On May 31, 2018, this Court denied the Motion to Shorten via a docket order (the “Order Denying Motion to Shorten”). Immediately after this Court entered the Order Denying Motion to Shorten, the Debtor filed a Declaration of Service [Adv. Docket No. 13], indicating that on May 30, 2018, the Debtor served the Injunction Motion, the May 30 Notice, the Motion to Shorten, and the Notice of Motion to Shorten.

To date, the Debtor has not properly served a Notice of the Injunction Motion that complies with Local Rule 9014 and this Court’s Order Denying Motion to Shorten. Proper notice of the complete version of the Injunction Motion would have required the Debtor to set an objection deadline of June 13, 2018, but no such notice was ever provided. As such, it appears that there is currently no deadline for Park Bank to respond to the Injunction Motion.

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RESERVATION OF RIGHTS

Park Bank hereby reserves its right to file an objection to the Injunction Motion within 14 days after the Debtor provides proper notice of the Injunction Motion pursuant to Local Rule 9014 and this Court's Order Denying Motion to Shorten. Alternatively, Park Bank stands ready to file its objection to the Injunction Motion and will be pleased to do so by any deadline set by this Court for such objection.

Dated this 12th day of June, 2018.

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